

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

AUGUSTO VELASQUEZ
RODRIGUEZ, for himself and on
behalf of those similarly situated,

Plaintiff,

v.

Case No. 8:20-cv-1399-TPB-TGW

HEARTLAND PAINTING AND
REMODELING SERVICES, INC.,
a Florida Corporation, and EMILIO
MURRIETA, individually,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Thomas G. Wilson, United States Magistrate Judge, entered on November 24, 2021. (Doc. 45). Judge Wilson recommends that “Plaintiff’s Motion for Award of Attorneys’ Fees and Incorporated Memorandum of Law” (Doc. 41) be granted. Judge Wilson specifically recommends that Plaintiff be awarded \$4,740 in attorney’s fees. No party has filed an objection, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court

reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

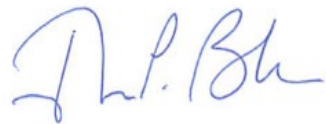
Upon due consideration of the record, including Judge Wilson's report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff's motion for attorney's fees is granted.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Wilson's report and recommendation (Doc. 45) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Motion for Award of Attorneys' Fees and Incorporated Memorandum of Law" (Doc. 41) is hereby **GRANTED**. Plaintiff is awarded \$4,740 in attorney's fees.
- (3) The Clerk is **DIRECTED** to amend the judgment in this case (Doc. 40) to include the award of attorney's, as set forth herein.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 10th day of December, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE